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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/038,640	01/04/2002	Jonathan S. Stinson	23,369-110	9194	
23452 7	7590 12/29/2003		EXAM	INER	
PATENT DEPARTMENT			PANTUCK, BRADFORD C		
LARKIN, HO	FFMAN, DALY & LINDO	REN, LTD.			
1500 WELLS FARGO PLAZA			ART UNIT	PAPER NUMBER	
7900 XERXES AVENUE SOUTH			3731	2	
BLOOMINGT	ON, MN 55431			$\mathcal{O}$	
	•			DATE MAILED: 12/20/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/038,640	STINSON, JONATHAN S.				
Offic Action Summary	Examiner	Art Unit				
	Bradford C Pantuck	3731				
The MAILING DATE of this communication ap		correspondence address				
Period for Reply	VIO OET TO EVOIDE AMONTU	(C) FDOM				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.  after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statute  - Any reply received by the Office later than three months after the mailin  - earned patent term adjustment. See 37 CFR 1.704(b).  Status	136(a). In no event, however, may a reply be tir ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	mely filed ys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on Nov	<u>ember 29<sup>th</sup>, 2002</u> .					
2a) ☐ This action is <b>FINAL</b> . 2b) ☐ This	action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-51</u> is/are pending in the application	l.					
· · · · · · · · · · · · · · · · · · ·	4a) Of the above claim(s) is/are withdrawn from consideration.					
Claim(s) is/are allowed.						
	—					
<u> </u>	Claim(s) is/are objected to.					
8)⊠ Claim(s) <u>1-51</u> are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examino						
10) The drawing(s) filed on is/are: a) acc						
Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct	• • • • • • • • • • • • • • • • • • • •	` '				
11) The oath or declaration is objected to by the E	· · · · · · · · · · · · · · · · · · ·					
Priority under 35 U.S.C. §§ 119 and 120	Administration and account of the	7,1011011 01 1011111 1 0 702.				
12) Acknowledgment is made of a claim for foreig	n priority under 35 U.S.C. & 119/	a)-(d) or (f)				
a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat * See the attached detailed Office action for a list 13) Acknowledgment is made of a claim for domest since a specific reference was included in the first 37 CFR 1.78.  a) The translation of the foreign language process.	ts have been received. Its have been received in Applicate ority documents have been received in (PCT Rule 17.2(a)). If of the certified copies not received priority under 35 U.S.C. § 119 (1981) is sentence of the specification of the specification of the priority under 35 U.S.C. §§ 120 (1981)	ion No ed in this National Stage ed. (e) (to a provisional application) r in an Application Data Sheet. ceived. 0 and/or 121 since a specific				
Attachment(s)						
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s) _</li> </ol>	5) Notice of Informal F	(PTO-413) Paper No(s) Patent Application (PTO-152)				

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**DETAILED ACTION** 

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Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figure 3

Species II: Figure 4

Species III: Figure 5

Species IV: Figure 7

Species V: Figure 9

Species VI: Figure 11

Species VII: Figure 12

Species VIII: Figure 14

Species IX: Figure 17

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic. Applicant is further requested to elect sub-species for each species, should they exist. For example, the elected claims should be directed to a single embodiment, having a single relative "stiffness level", and a single "crossing angle."

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable

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thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Frederick Niebuhr on December 22<sup>nd</sup>, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford C Pantuck whose telephone number is (703) 305-8621. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J Milano can be reached on (703) 308-2496. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

BCP

December 22, 2003

JULIAN W. WOO DRIMARY EXAMINER

Julian M. Moo